

### **IC 33-5-13.1**

#### **Chapter 13.1. Elkhart Superior Court**

### **IC 33-5-13.1-1**

#### **Establishment; seal**

Sec. 1. There is established a court of record to be known as the Elkhart superior court (referred to as "the court" in this chapter). The court may have a seal containing the words "Elkhart Superior Court, Elkhart County, Indiana". Elkhart County comprises the judicial district of the court.

*As added by P.L.302-1983, SEC.1.*

### **IC 33-5-13.1-2**

#### **Judges; election; term; eligibility**

Sec. 2. (a) The court has, before January 1, 2001, five (5) and, after December 31, 2000, six (6) judges, who shall be elected at the general election every six (6) years in Elkhart County. A judge's term begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as a judge of the court, a person must:

- (1) be a resident of Elkhart County;
- (2) be under seventy (70) years of age at the time the judge takes office; and
- (3) be admitted to the bar of Indiana.

*As added by P.L.302-1983, SEC.1. Amended by P.L.18-1995, SEC.26; P.L.196-1999, SEC.24.*

### **IC 33-5-13.1-3**

#### **Jurisdiction; divisions**

Sec. 3. (a) The court has the same jurisdiction as the Elkhart circuit court.

(b) The court has a standard small claims and misdemeanor division.

*As added by P.L.302-1983, SEC.1. Amended by P.L.18-1995, SEC.27.*

### **IC 33-5-13.1-4**

#### **Powers and authority of judges**

Sec. 4. The judges of the court may make rules for conducting the business of the court. A judge of the court has the same powers relating to the conduct of the business of the court as the judge of the Elkhart circuit court. A judge of the court may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

*As added by P.L.302-1983, SEC.1.*

### **IC 33-5-13.1-5 Repealed**

*(Repealed by P.L.171-1984, SEC.80.)*

**IC 33-5-13.1-6****Repealed**

*(Repealed by P.L.171-1984, SEC.80.)*

**IC 33-5-13.1-7****Repealed**

*(Repealed by P.L.171-1984, SEC.80.)*

**IC 33-5-13.1-8****Bailiffs and court reporters; salaries**

Sec. 8. Each judge of the court shall appoint a bailiff and an official court reporter for his court. Their salaries shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the Elkhart circuit court. Their salaries shall be paid monthly out of the treasury of Elkhart County as provided by law.

*As added by P.L.302-1983, SEC.1.*

**IC 33-5-13.1-9****Books, dockets, and papers**

Sec. 9. The clerk of the court, under the direction of the judges of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

*As added by P.L.302-1983, SEC.1.*

**IC 33-5-13.1-10****Sessions; rooms and facilities**

Sec. 10. Before January 1, 2001, three (3) and, after December 31, 2000, four (4) of the judges of the court shall hold sessions in the Elkhart County courts building in the city of Elkhart. Two (2) of the judges of the court shall hold sessions in an appropriate place in the city of Goshen selected by the county commissioners. The board of county commissioners shall provide and maintain suitable courtrooms and other rooms and facilities, including furniture and equipment, as may be necessary. The county council of Elkhart County shall appropriate sufficient funds for the provision and maintenance of such rooms and facilities.

*As added by P.L.302-1983, SEC.1. Amended by P.L.18-1995, SEC.28; P.L.196-1999, SEC.25.*

**IC 33-5-13.1-11****Jury commissioners; selection of juries**

Sec. 11. The jury commissioners appointed by the judge of the Elkhart circuit court shall serve as the jury commissioners for the court. Juries shall be selected in the same manner as juries for the Elkhart circuit court. The grand jury selected for the Elkhart circuit court shall also serve as the grand jury for the court as may be necessary.

*As added by P.L.302-1983, SEC.1.*

**IC 33-5-13.1-12****Repealed**

*(Repealed by P.L.171-1984, SEC.80.)*

**IC 33-5-13.1-13****Transfer of actions**

Sec. 13. The judge of the Elkhart circuit court may, with the consent of a judge of the court, transfer any action or proceeding from the circuit court to the judge's court. A judge of the court may, with consent of the judge of the circuit court, transfer any action or proceeding from his court to the circuit court.

*As added by P.L.302-1983, SEC.1.*

**IC 33-5-13.1-14****Interchange of judges**

Sec. 14. The judge of the Elkhart circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if he was an elected judge of the court. A judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if he was an elected judge of the circuit court.

*As added by P.L.302-1983, SEC.1.*

**IC 33-5-13.1-15****Chief judge; designation**

Sec. 15. The court may designate by rule one (1) of the judges as chief judge and may fix the time he shall preside. The chief judge shall be responsible for the operation and conduct of the court.

*As added by P.L.302-1983, SEC.1.*

**IC 33-5-13.1-16****Appointment of magistrates; term**

Sec. 16. (a) The judges of the Elkhart circuit and superior courts may jointly appoint two (2) full-time magistrates under IC 33-4-7.

(b) The magistrate continues in office until removed by the judges of the circuit and superior courts.

*As added by P.L.18-1995, SEC.29. Amended by P.L.196-1999, SEC.26.*